

EDUCATIONAL SURROGATE PARENTS

CHRISTINE PIATKOWSKI, P.L.C.

Public Agencies that educate or care for children that have or are believed to have special needs must ensure that the rights of these children are protected

RESPONSIBILITIES OF THE AGENCIES

- To determine whether a surrogate parent is needed
- To assign a surrogate parent to the child

EDUCATIONAL SURROGATE PARENT

- Person that represents the child in all matters relating to the provision of a free appropriate public education to the child.
34 CFR 300.519(g).

FAMILIES AND ADVOCATES PARTNERSHIP FOR EDUCATION

(FAPE)

- Identification
- Evaluation
- Placement
- Disciplinary Matters
- Behavior Intervention Plans
- Individualized Education Plans
- Due Process Hearings

DETERMINING IF A SURROGATE PARENT IS NEEDED

- Parent
- Foster parent
- Guardian
- Person acting as a parent of a child
- Surrogate parent appointed pursuant to 34 CFR 300.519
- Children, 18 or over, without a legal guardian

AN EDUCATIONAL SURROGATE PARENT IS NEEDED WHEN:

- No parent can be identified as defined in 34 CFR 300.30
- Ward of the State
- Homeless Youth
- Parent cannot be located

SURROGATE APPOINTMENT

APPOINTMENT

- If a state or court ward, the court having the responsibility for the general care of the student may appoint a surrogate parent
- A surrogate must be assigned by the MDE within 30 days of the determination of need for a surrogate parent
- LEA has concurrent responsibility for the appointment of a surrogate parent since MDE has general supervisory responsibility and is a federal grant recipient under IDEA.

AN EDUCATIONAL SURROGATE PARENT IS NOT

- An employee of any agency that is involved in the education or care of the child
- Anyone that has an interest that conflicts with the interest of the child
- A Guardian Ad Litem unless specifically designated as a surrogate parent by the court

PUBLIC AGENCIES MUST PROVIDE:

Training
and

Maintain A Pool Of Potential
Surrogate Parents

TRAINING

- Laws pertaining to special education
- Procedural safeguards
- Familiarity with the public agencies and school providing care or special education for the child
- IEP team responsibilities and processes
- Familiarity with the child and the child's needs

WHERE TO GET SURROGATE PARENTS

- Special Education Parent Advisory Committee (PAC-Parents of Children with Disabilities)
- Foster Parent Agencies
- Volunteer Service Agencies
- Parent Organizations
- Facilities and Agencies providing services to Homeless Youth
- Religious-based Organizations

CONFLICTS

- Need for Surrogate Parent
- Appropriateness of a Surrogate Parent
- Agency Responsible for Appointment
- Formal Complaints

QUESTIONS & ANSWERS